NEWMAN & SMITH COUNSELLORS AT LAW

One Gateway Center #350 NEWTON, MASSACHUSETTS 02458

> (617) 965 - 9900 Facsimile: (617) 965-9697 Email: hms@hmsmith.com

FILED N CLERKS OFFICE

2006 APR -5 P 3 29

U.S. DISTRICI COURT COUNSEL DISTRICT OF MASS

Melvin Newman (1921-1997)Howard M. Smith \* \* Also admitted in California

April 5, 2006

Via Messenger Hon. Joseph L. Tauro John Joseph Moakley United States Courthouse 1 Courthouse Way Courtroom No. 20, 7th Floor Boston, Massachusetts 02210

> Kashner Davidson Securities Corp., et. al. v. Re:

> > Steven Mscisz, et. al., Case No. 05-CV-11433-JLT

Dear Judge Tauro:

cc:

This firm is counsel for Plaintiffs.

We will be filing a motion to confirm, modify, and enter judgment upon an arbitration award shortly. In preparing our memorandum of law, we have addressed numerous issues raised by Defendants' Counterclaims that have necessitated a memorandum of law of approximately thirty-four pages, excluding a table of contents and table of authorities. While we continue to edit the memorandum of law, the sheer number of issues raised by the eight Counterclaims, as well as the twenty-plus sub-parts thereof, make it impractical to file a memorandum of law in accordance with Local Rule 7.1(b)(4).

Accordingly, pursuant to Local Rule 7.1(b)(4), we respectfully request that the Court grant Plaintiffs leave to serve a memorandum of law in excess of the Court's twenty-page limitation, which will not be more than thirty-five pages.

Respectfully submitted,

Howard M. Smith

William P. Corbett, Jr., Esq. (via facsimile)